

1 A. As I recall, I was too upset to say anything to
2 anybody.

3 Q. When you say his bullying tactics, what do you
4 mean by that?

5 A. Brendan Gilmore had a personality that team
6 members understood to be dictatorial, to be demanding,
7 to be his way or no other way.

8 Q. Now, when you said that he had said with
9 respect to the client meeting booklet to bind it or
10 else, you used the term or else?

11 A. Yes.

12 Q. And did you have an understanding of what he
13 meant by or else?

14 A. At that time I wasn't sure what he meant. I
15 could only surmise what he would have meant.

16 Q. Did you ask him what or else meant?

17 A. At this time I'm not sure. I recall I think I
18 did.

19 Q. I'm sorry?

20 A. I think I did say to him -- I'm not sure. But
21 I think I did say to him "What do you mean by or
22 else?"

23 Q. Did he respond?

24 A. I think he responded, to the best of my memory



1 I think he responded.

2 Q. What did he say?

3 A. I'm not even sure of the exact words.

4 Q. You had also looking at paragraph 26 you said
5 that he had used profanity?

6 A. Yes, he did.

7 Q. What was the profanity?

8 A. The exact profanity at this time I'm not sure,
9 but it was either taking the Lord's name in vain by
10 saying goddamn it and the word s-h-i-t.

11 Q. You think it was both?

12 A. As I recall, yes.

13 Q. Do you remember what he said?

14 A. As I recall, I was very upset. I do know he
15 used a profanity. I was very shocked by that. He
16 noticed my impression of that and I believe, as I
17 recall, he may -- I'm not sure at the time, but he...

18 I think he saw the error of his ways in
19 using a profanity in the presence of a lady and in an
20 expected professional situation.

21 Q. Why do you say that you think he realized the
22 error?

23 A. I don't recall specifically at this time, but
24 there was an expression on his face that he knew I was



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1 stunned and shocked that a manager would talk to a
2 woman in that manner.

3 Q. So, Ms. Blozis, you believe in that closed door
4 meeting that you were referring to that Mr. Gilmore
5 during the course of the discussion used the terms
6 goddamn it and shit?

7 A. To the best of my recollection, yes.

8 Q. And I think you testified that you're not
9 certain of the exact exchange?

10 A. Yes.

11 Q. Had you heard Mr. Gilmore use profanity before?

12 A. Regrettably, yes.

13 Q. The same terms?

14 A. Yes.

15 Q. And where had you heard him?

16 A. As I recall, it may have been behind the closed
17 doors when Bill Becker was the investment officer and
18 Brendan would be in with him, with Martha Fетters when
19 she was an investment officer and perhaps at team
20 meetings, unfortunately.

21 Q. During the team meetings that he would be
22 holding with the rest of his team?

23 A. Yes.

24 Q. He would say goddamn it or shit during the team



1 meetings?

2 A. As I recall, occasionally, yes.

3 Q. Would he be using it as emphasis?

4 A. I can't say at this time. I don't recall.

5 Q. Now, you said that you had overheard him using
6 the same terms with Becker and Feters?

7 A. Martha Feters.

8 Q. And Becker?

9 A. Yes.

10 Q. Now, during the periods that you overheard him
11 using those terms with Becker and Feters, did you
12 ever go to anybody to complain?

13 A. I don't understand who you mean by "anybody."

14 Q. Well, HR, for example?

15 A. At this time I would say I recall not having a
16 good rapport with HR.

17 Q. At what point did you feel that you didn't have
18 a good rapport with HR?

19 A. Linda Squier and I and other Delaware team
20 members wanted to discuss an incident years prior to
21 this regarding the conduct of a sales officer. We
22 understood it to be a confidential meeting. The HR
23 director at that time brought in other officers that
24 were above Linda Squier and I besides herself.



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1 Q. Did you not want your identity known, so to
2 speak?

3 A. At this time I wouldn't say that was the case.

4 Q. You didn't mind them knowing that you were the
5 ones that were bringing it up?

6 A. At that time, no, I don't believe, I don't
7 recall that I was.

8 Q. I guess what I am trying to understand is what
9 your concern was. I guess you and Ms. Squier felt it
10 was just going to be the three of you meeting to
11 discuss this and then you have three officers, plus
12 Rosemary coming in. You had no preknowledge that
13 there was going to be more than the three of you?

14 A. Initially that's correct.

15 Q. And that's what you didn't like?

16 A. I didn't think that was how we were led to
17 believe we would be able to tell our side of the
18 incident.

19 MS. WILSON: Off the record.

20 (Discussion off the record.)

21 BY MS. WILSON:

22 Q. Ms. Blozis, you testified that Mr. Gilmore had
23 used certain words that you considered to be profane
24 during that meeting in your presence.



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1 Have you ever used those words before?

2 A. I don't understand.

3 Q. Well, have you ever used the word shit before
4 or goddamn it?

5 A. To my recollection, not in an office
6 environment or professional environment.

7 Q. Outside of the office, outside of a
8 professional environment?

9 A. To my recollection, I may have outside of the
10 office.

11 MS. WILSON: We can take a 30-minute
12 break.

13 MR. LaROSA: Sure.

14 (Recessed for lunch at 1:15 p.m.)

15 - - - - -

16 AFTERNOON SESSION

17 1:50 p.m.

18 BY MS. WILSON:

19 Q. Ms. Blozis, with respect to the client meeting
20 booklet that we were discussing before the break in
21 which you and Gilmore were having the discussion, did
22 you get that booklet bound before you left on your
23 vacation?

24 A. No, I did not.



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1 A. I don't recall that I did. I recall that that
2 impression was given to him or I strongly attempted to
3 give it to him at the April meeting.

4 Q. Did he ever tell you that he thought that you
5 were being insubordinate to him with respect to that
6 booklet issue?

7 A. Not that I recall.

8 Q. Do you know if he had any conversations with
9 anybody about the booklet incident?

10 A. Did he or did I?

11 Q. Did he?

12 A. I don't know that he did.

13 Q. You had testified before the break, Ms. Blozis,
14 that sometimes during the team meetings that Gilmore
15 was leading that he would use profanity?

16 A. Yes, I did.

17 Q. Was that at the Delaware location?

18 A. As I recall, it may have been more frequently
19 the meetings of his team were done by either
20 teleconference or we were called into Philadelphia.

21 Q. And during those incidents or during those
22 times would there be males on the phone as well?

23 A. Oh, yes.

24 Q. It would generally be is it fair to say members



1 of whoever the Delaware team consisted of?

2 A. All members of the Delaware team.

3 Q. During that meeting, the conversation that you
4 were having with Gilmore in late April of 2003 that's
5 referenced in your complaint, did you say something to
6 Gilmore along the lines of it's a good thing that you
7 have that in writing so that you have a paper trail as
8 it related to the booklet?

9 A. Did I say something to Brendan?

10 Q. Yes.

11 A. I don't quite understand your question.

12 Q. Did he show you any documents that set forth
13 the time frame for the completion of the booklet?

14 A. Not that I recall, no.

15 Q. Did you ever say to him it's a good thing that
16 you have something in writing to evidence so that you
17 have a paper trial of what you asked me to do?

18 A. I don't recall that.

19 Q. Now, after that particular meeting -- do you
20 recall how long it lasted?

21 A. To the best of my memory, fifteen or twenty
22 minutes.

23 Q. Was that all that was being discussed, the
24 booklet?



1 A. I recall, I recall that he also took the time
2 at that time to criticize the rest of my performance
3 and work.

4 Q. And what did he say?

5 A. I don't remember specifically. I just recall
6 that I was stunned by his criticism of work that
7 seemed to formerly be very acceptable and gratefully
8 appreciated when I maintained the Delaware office on
9 my own as a support member of the team.

10 Q. Did he give you specifics in terms of the work
11 that he was referring to?

12 A. At this time I don't recall if there were
13 specifics given.

14 Q. Were there any specifics as to the criticisms?

15 A. I recall that he used the examples of other
16 younger portfolio administrators in Philadelphia
17 saying that they were responsible for much more than I
18 was accomplishing. I had no way of knowing that to be
19 the truth because I didn't work alongside of them day
20 to day.

21 Q. So you didn't know either way whether he was
22 correct when he said that?

23 A. That's correct, I didn't know either way.

24 Q. Did he, Ms. Blozis, when you said that he was



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1 using examples of the younger portfolio administrators
2 in Philadelphia during his conversation with you, did
3 he say, again not specifically, but did he say, Linda,
4 the younger portfolio administrators in Philadelphia
5 are doing this, why aren't you or did he just say
6 generally portfolio administrators in Philadelphia?

7 A. At this time I would say generally, but it's a
8 fact that they were younger.

9 Q. Right. I understand.

10 A. They were younger than I. And he alluded to,
11 he alluded to the fact that the other portfolio
12 administrators according to him at that time were
13 doing more and were capable of doing more.

14 Q. Okay. My question wasn't -- I understand that
15 the portfolio administrators in the Philadelphia
16 office, this is around the April 2003 time frame, what
17 you're saying is that they were younger than you were
18 at the time in age?

19 A. Yes.

20 That's your question?

21 Q. Yes. Right?

22 A. Yes.

23 Q. But in terms of what Gilmore said, did he refer
24 to youth or age or anything like that in making the



1 comparison?

2 A. Not specifically.

3 Q. He just said the portfolio administrators in
4 Philadelphia can do it, or words to that effect, why
5 can't you?

6 A. Yes.

7 Q. Now, did you have a response to him?

8 A. I recollect my response was that, A, I was
9 doing the best that I could; B, that the portfolio
10 administrators in Philadelphia were not responsible in
11 addition to the regular duties that I was in caring
12 for the office at Two Greenville Crossing.

13 Q. And what do you mean by "caring for the
14 office"?

15 A. I took care of incoming-outgoing mail. I took
16 care of all phone calls. I took care of machinery
17 upkeep, meaning the computers, the copiers, the
18 printers, the supplies for that. I took care of
19 notifying building maintenance when things might not
20 work, to mention a few.

21 Q. That was around the April 2003 time frame that
22 you had these responsibilities?

23 A. To the best of my recollection, from the time
24 that Kathleen Agne was let go until -- yes, that time.



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1 A. Yes.

2 Q. Is that your handwriting?

3 A. Yes, it is.

4 Q. And what is the handwriting?

5 A. It's an indication that I spoke to Rosemary on
6 May 1st of 2003 and lodged my complaint against BMG,
7 are Brendan Gilmore's initials, regarding his
8 disruptive demeanor to me in that meeting.

9 Q. I guess after sending Blozis 4, the e-mail
10 itself, you printed it out and made a notation of when
11 you spoke with Rosemary?

12 A. Yes.

13 Q. Now, when you were speaking with Rosemary, did
14 you take any notes of the conversation?

15 A. I don't recall that I did.

16 Q. You don't recall either way?

17 A. I don't recall that I took notes of the
18 meeting, the teleconference to be exact.

19 Q. It wasn't face to face?

20 A. She didn't come to Delaware.

21 Q. So you and she spoke over the phone?

22 A. Yes.

23 Q. Do you know whether anyone else was in the room
24 with her at the time?



1 A. I have no way of knowing that.

2 Q. And where did you call her from?

3 A. I stepped into an empty private office and
4 called her.

5 Q. And were you the only one in the office?

6 A. Yes.

7 Q. And so in terms of whether she was taking
8 notes, you don't know that?

9 A. I have no way of knowing that.

10 Q. And what did you talk to Rosemary about?

11 A. I reiterated to the best of my recollection
12 because of how upset I was what transpired between
13 Brendan Gilmore and I prior to me leaving for vacation
14 about the meeting. I explained to her the situation,
15 that the booklet, as I had previously done in many,
16 many other client meetings, was taken to its logical
17 conclusion; that I didn't feel it was unreasonable to
18 leave what was prepared and completed until Greg
19 Landis could review it for Maria Bannister to bind it
20 so it wouldn't waste her time or company expense or
21 money to reproduce pages that would be destroyed upon
22 disbinding the booklet and that I was very upset at
23 his tone and his cursing at me and his general
24 unprofessional mannerism in that meeting, to the best



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1 of my recollection, and that I wanted to, I
2 specifically did state that I wanted to lodge a
3 complaint against him.

4 Q. Now, going back to the meeting which we believe
5 with was on or about April 30th that you had with
6 Brendan, did you feel that he was leveling the
7 profanity at you or whether it was because of the
8 situation?

9 A. I felt it was leveled at me.

10 Q. And why did you feel that way?

11 A. As I recall, he pointedly was criticizing me at
12 that meeting.

13 Q. When you spoke to Rosemary -- and I'm looking
14 at your paragraph 28 of your complaint.

15 A. Yes.

16 Q. Do you see on 28 where you say that you
17 believe, and I'm just paraphrasing, that you believe
18 that Gilmore's words and conduct toward you were, in
19 quotes, founded in age, end quote?

20 A. Yes.

21 Q. Do you see that?

22 A. Yes.

23 Q. Did you use those words with Rosemary?

24 A. As I recall, yes.



1 Q. Did you tell her why you felt that they were
2 founded in age?

3 A. I recollect that I suspected Brendan was
4 systematically trying to intimidate me because I was
5 the last remaining original and the oldest team member
6 on the Delaware team.

7 Q. Did you tell Rosemary that?

8 A. Not maybe in those specific words, but I do
9 recall saying that Brendan Gilmore used the term in
10 referencing the original team that I was the survivor.

11 Q. When did he use the term that you were the
12 survivor?

13 A. In the course of that discussion on that date.

14 Q. Had he used that term to describe you before
15 that date? I guess the date being on or about April
16 30th of '03.

17 A. Not that I recall.

18 Q. So when he said that you were the survivor or
19 termed you as the survivor, you took that as an
20 age-related comment?

21 A. Yes.

22 Q. Why?

23 A. As I recall, I was reflecting on how I believed
24 and it was known throughout the team that Mr. Bell was



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1 forced to resign and Mr. Bell at that time was of an
2 age 60 or better, that Martha Feters, a woman, was
3 forced to resign. She was over the age of 40. That
4 Linda Squier, a woman, was forced to resign. At the
5 time she was over the age, I believe over the age of
6 40. That Kathy Agne was fired, Kathleen Agne was
7 fired and she was a woman over the age of 40, as I
8 recall their ages, and that I was the remaining
9 original Delaware team member, meaning those people
10 sitused in Delaware.

11 Q. So when he called you a survivor you took it as
12 a negative instead of a positive?

13 A. Yes.

14 Q. Based on what you just said in terms of
15 everybody else was gone over the age of 40, some of
16 them female, so you felt that he was alluding to your
17 age when he said survivor?

18 A. Yes.

19 Q. Did you ask him what he meant by survivor?

20 A. No.

21 Q. You mentioned that Kathleen Agne was fired and
22 she was over the age of 40?

23 A. Yes.

24 Q. Who fired her?



1 A. To the best of my recollection, I believe it
2 was Bill Becker on the bequest of Brendan Gilmore, the
3 team leader.

4 Q. What are you basing that on?

5 A. My recollection is that Kathleen was called
6 into Bill's office on a specific date in March, that
7 she was there for a while. I don't recall if it was
8 ten or fifteen minutes. That she exited the office,
9 went to her desk that was on the other side of my
10 cubicle, unbeknownst to me was packing up her things
11 and exited the building and Bill Becker came out and
12 told me that Kathleen was let go.

13 Q. Did he tell you why Kathleen was let go?

14 A. I don't specifically recall at that time
15 because I was so very upset and shocked by it.

16 Q. By Kathleen being let go?

17 A. Yes.

18 Q. Do you know if Kathleen was having any
19 performance problems?

20 A. I recollect that I surmised there must have
21 been.

22 Q. How did you surmise that?

23 A. During the last months of her employment I
24 could see that she was being overburdened with work



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1 and I would frequently ask her can I help you out in a
2 team spirit and she would not defer to my offer. And
3 I did not understand until after I was released that
4 she was instructed not to share that work as I was not
5 instructed to share my work with Maria Dunlop.

6 Q. How do you know that she was instructed not to
7 share her work?

8 A. After my release we may have had lunch and
9 talked about the situation.

10 Q. In terms of a performance evaluation did you
11 ever conduct one of Kathleen?

12 A. That wasn't the protocol at Mellon for
13 subordinates to review each other.

14 Q. She was your coworker?

15 A. Yes.

16 Q. So as a coworker you would not have reviewed
17 her work?

18 A. Absolutely not.

19 Q. It would have been Becker and/or Gilmore?

20 A. Yes.

21 Q. And do you know how they assessed her work?

22 A. That was not shared with me. That was not the
23 protocol to share each subordinate's reviews.

24 Q. Did Kathleen say that she felt she was let go

